

# **TEXAS GENERAL LAND OFFICE**

## **82nd Legislative Session**

Policy and Governmental Affairs  
End of Session Report



**Jerry Patterson, Commissioner**

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*Passed Legislation, that greatly impacts GLO:*



**Bill Number:**

HB 1

**Program Areas Affected:**

Financial Management

**Author/Sponsor:**

Representative Pitts/  
Senator Ogden

**Caption:**

General Appropriations Bill

**Effective Date:**

September 1, 2011

**Summary of the Bill:**

The General Land Office received \$78,225,219 in total funds for FY2012 and \$79,134,760 for FY2013. This is a reduction of \$5.2 million for the biennium, and the agency lost 13.4 FTEs as well. The majority of reductions occurred in capital projects, including cuts in erosion construction projects, information technology and vehicle and boat replacement. The GLO will receive an additional \$176,000 and 2 FTEs for management of the Alamo.

**Implementation Required:**

Interagency contracts must be executed with Texas Parks and Wildlife and the Texas Veterans Commission.



**Bill Number:**

HB 4

**Program Areas Affected:**

Financial Management

**Author/Sponsor:**

Representative Pitts/  
Senator Ogden

**Caption:**

Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

**Effective Date:**

Immediate upon signing; June 16, 2011

**Summary of the Bill:**

This bill is the supplemental appropriations bill for the FY2010-2011 biennium. It enacted cuts that were already imposed by the Legislative Budget Board in the current fiscal year. The General Land Office was cut in the following areas:

- \$903,431 from General Revenue Fund
- \$284,517 from the Coastal Protection Account (Oil Spill Account)
- \$204,220 from the Coastal Protection Account (Oil Spill Account)
- \$7,407,220 for coastal erosion projects.

**Implementation Required:**

These cuts were already enacted and no implementation is needed.





**Bill Number:**

HB 1781

**Program Areas Affected:**

All

**Author/Sponsor:**

Representative Price/  
Senator Nelson

**Caption:**

Relating to obsolete or redundant reporting requirements applicable to state agencies and to certain reports, communications, publications, and other documents involving the Attorney General.

**Effective Date:**

Immediate upon signing; June 17, 2011

**Summary of the Bill:**

The bill asks that each state agency go through the reports required of them to determine which ones they recommend be eliminated, not including federal reports.

The Commissioner must submit an electronic report to the Governor, Lieutenant Governor, Speaker, Chair of House Government Efficiency and Reform, Chair of Senate Government Organization, chair of the House and Senate committee that has jurisdiction over GLO, Texas Library and Archives Commission and the LBB.

This report shall contain reports, established in statute before January 1, 2009 and not amended since then, that the commissioner deems to be unnecessary, redundant, or required to be provided at a frequency for which data is not available; not to include any required by federal law. Report is due August 1, 2012.

**Implementation Required:**

Each program area must determine which reports meet the established criteria and submit to Legal and Policy and Governmental Affairs



**Bill Number:**

HB 3726

**Program Areas Affected:**

Executive, Communications, Legal, Financial Management

**Author/Sponsor:**

Representative Guillen/  
Senator Van de Putte

**Caption:**

Relating to the preservation and maintenance of the Alamo by the General Land Office.

**Effective Date:**

September 1, 2011

**Summary of the Bill:**

This bill places the Alamo complex under the jurisdiction of the General Land Office (GLO) and makes the GLO responsible for the preservation, maintenance and restoration of the complex and its contents.

The GLO is instructed to enter into an agreement with the Daughters of the Republic of Texas (DRT) for the management, operation and financial support of the Alamo. The agreement must address financial issues, operation and management of the Alamo complex, and other legal issues.

The financial issues that must be addressed include the transfer of any state money held in trust for the Alamo, plans for funding and payment for costs, and submission of financial information from the DRT.

The operation and management issues that must be addressed include outlining the management and operation of the Alamo complex, establishment of management standards, addressing equipment and insurance requirements, and addressing construction, maintenance and repair of the complex.

Other issues that must be addressed include goals and expectations of both parties, oversight by the GLO, ownership by the state of the Alamo complex and its contents and a dispute resolution process.



Additionally, the DRT must properly form a nonprofit corporation in order to contract with the GLO. The GLO may also establish an Alamo Preservation Advisory Board if needed and establish a non-profit organization to raise funds or provide other services for the preservation and maintenance of the Alamo complex.

**Implementation Required:**

The GLO will need to come to agreement with the DRT, as well as continuously monitor compliance with the agreement.





**Bill Number:**

HJR 109

**Program Areas Affected:**

Funds Management, Asset Management, Financial Management

**Author/Sponsor:**

Representative Orr/  
Senator Ogden

**Caption:**

Proposing a constitutional amendment to clarify references to the permanent school fund, to allow the General Land Office to distribute revenue derived from permanent school fund land or other properties to the available school fund, and to provide for an increase in the market value of the permanent school fund for the purpose of allowing increased distributions from the available school fund.

**Effective Date:**

Upon approval of the voters. The constitutional amendment will appear on the ballot November 8, 2011.

**Summary of the Bill:**

Currently, the State Board of Education (SBOE) establishes a payout from the Permanent School Fund (PSF) prior to each legislative session based on the value of the portion of the PSF that is managed by the SBOE. This bill will expand that calculation to include the value of real estate and cash assets managed by the General Land Office (GLO). This bill also gives the School Land Board the ability to contribute directly to the Available School Fund up to \$600 million each year. Finally, this bill includes a provision that makes this bill retroactive, so that the payout established by the SBOE in 2010 could be impacted by the change. If passed, the amendment would expire on December 1, 2015.

**Implementation Required:**

The GLO will have to work with the SBOE to establish the value of the fund for their payout calculation. If the amendment passes, the School Land Board will also have to vote on whether to distribute additional funds to the Available School Fund each year.



**Bill Number:**

SB 656

**Program Areas Affected:**

Coastal

**Author/Sponsor:**

Senator Huffman/  
Representative Bonnen

**Caption:**

Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

**Effective Date:**

September 1, 2011

**Summary of the Bill:**

Abolishes the Coastal Coordination Council and transfers the duties of the Council to the General Land Office.

**Implementation Required:**

The General Land Office will need to submit a program change to the National Oceanic and Atmospheric Administration for federal approval. Rules relating to the program will need to be revised.



**Bill Number:**

SB 1044

**Program Areas Affected:**

Asset Management

**Author/Sponsor:**

Senator Watson/  
Representative Ritter

**Caption:**

Relating to authorizing counties to finance the acquisition of conservation easements.

**Effective Date:**

Immediate upon signing; June 17, 2011

**Summary of the Bill:**

This bill impacts the Texas Farm and Ranch Land Conservation Program. It removes the requirement that an applicant for a grant provide a 50% match, and allows the Texas Farm and Ranch Land Conservation Council to set the match requirements. Additionally, the bill makes counties eligible to hold a conservation easement under this program and to use bond proceeds to purchase conservation easements.

**Implementation Required:**

The General Land Office will need to work with the Texas Farm and Ranch Land Conservation Council to set a policy for how match requirements will be determined



**Bill Number:**

SB 1179

**Program Areas Affected:**

All

**Author/Sponsor:**

Senator Nelson/  
Representative Harper-Brown

**Caption:**

Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.

**Effective Date:**

Immediate upon signing; June 17, 2011

**Summary of the Bill:**

This bill eliminates numerous reporting requirements by state agencies and educational institutions through amending or repealing numerous Texas statutes. The majority of these are annual reports filed with the Governor and both houses of the Legislature that are required by the General Appropriations Act. Others include biennial reporting and other annual reports to various boards and commissions.

Repealed reports for the GLO:

1. Natural Resources code, Section 161.173(c),  
The Veterans Land Boards report on the status of its investment in revenue bonds and all related debt service.
2. Government code, section 552.274(b), as amended by Chapters 329 & 716, acts of the 79<sup>th</sup> legislature, Regular Session 2005  
Report that describes that agency's procedures for charging and collecting fees for providing copies of public information. A state agency may comply with this subsection by posting the report on the agency's open records page or another easily accessible page on the agency's website on the Internet.



3. Government code, section 2112.005  
Report regarding utility billing audits, this repealer takes out the need for the agency to submit to the Legislative Budget Board and comptroller a report on the status of the audit.
4. Government code, section 2203.001  
Report regarding the need to submit a separate written report for every day an employee uses a state vehicle.
5. Natural Resources code, section 31.059(c)  
Receiver report: report to the comptroller and funds which are due to the state in accordance with the Government Code.
6. Natural Resources code, section 31.060  
Financial report: On or before the meeting of the legislature, the commissioner shall prepare and furnish to the governor a correct report of the condition of the office, including the amount of money received, the type of claim, the amount of money paid out, and the type of payment.
7. Natural Resources code, section 32.024  
School Land Board annual financial report: The board shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding year.
8. Natural Resources code, section 34.0191  
Boards for lease: The board shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding year.
9. Natural Resources code, section 161.027  
Veterans Land Board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding year. The form of the annual report and the reporting time shall be that provided in the General Appropriations Act. The report shall be included in the reports of the General Land Office.



10. Natural Resources code, section 161.131(b)

Veterans Land Board regarding minority owned businesses: not later than October 31 of each year, the board shall file with the governor and each house of the legislature a written report containing information from the previous year for all businesses and for minority-owned businesses.

11. Natural Resources code, section 161.132(b)

Veterans Land Board regarding minority women owned businesses: not later than October 31 of each year, the board shall file with the governor and each house of the legislature a written report containing information from the previous year for all businesses and for minority-owned businesses.

**Implementation Required:**

Agency program areas need to update their reports accordingly





**Bill Number:**  
SB 1, First Called Session

**Program Areas Affected:**  
Financial Management

**Author/Sponsor:**  
Senator Duncan/  
Representative Pitts

**Caption:**  
Relating to certain state fiscal matters; providing penalties

**Effective Date:**  
September 28, 2011

**Summary of the Bill:**

This bill covers many topics across state government. Relevant to the GLO is the power given to the Governor to designate which state agency gets disaster recovery funds and transfers all contracts, property, and funds to the designated agency. Additionally, the bill includes habitat protection language related to endangered species, which is of interest to the GLO due to the current consideration of the dune sagebrush lizard as an endangered species. The bill gives the Comptroller the power to develop or coordinate habitat conservation plans; apply for /hold federal permits and enter in to agreements with the Department of Interior; and establish a habitat protection fund and charge mitigation fees. The Comptroller can create a non-profit or contract with a third party to perform these functions, or designate any agency in the Natural Resources article (VI) in the appropriations bill to perform these functions. Information collected for a conservation plan is not subject to open records.

**Implementation Required:**

The GLO is now the designated agency to distribute disaster recovery funds from Hurricanes Dolly and Ike and must implement this program. The GLO can provide input to the Comptroller on any habitat conservation plans.



**Bill Number:**  
SB 2, First Called Session

**Program Areas Affected:**  
Financial Management

**Author/Sponsor:**  
Senator Ogden/  
Representative Pitts

**Caption:**  
Appropriating money for the support of state government for the period beginning September 1, 2011, and ending August 31, 2013; and authorizing and prescribing conditions, limitations, rules, and procedures for allocating and expending the appropriated funds.

**Effective Date:**  
Immediate upon signing; July 19, 2011

**Summary of the Bill:**

This bill corrects contingency rider language that reduces the Texas Education Agency's (TEA) appropriation by \$300 million if HJR 109 passes and the School Land Board (SLB) votes to send more money to the Available School Fund (TEA is made whole by the additional money transferred). This corrects a mistake in the appropriations bill that cut the agency regardless of the result of the constitutional amendment and SLB vote. This bill also transfers all appropriations, FTEs, riders and measures for the disaster recovery grants to the GLO and directs the LBB to work with the impacted agencies to work this out.

**Implementation Required:**

Depending on the outcome of the constitutional amendment vote, the SLB may need to vote on transferring additional funds to the Available School Fund. The GLO will also need to work with the LBB, Texas Department of Rural Affairs, and Texas Department of Housing and Community Affairs to facilitate the transfer of the disaster recovery program.



## *Non-GLO Legislation with Minor Impact*

*By Program Area:*



## *Administration*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 266	Representative Hilderbran/ Senator Duncan	Relating to the use of address-matching software by certain state agencies.	September 1, 2011	If practicable, a state agency must use address-matching software that meets certification standards under the Coding Accuracy Support System adopted by the USPS.	The GLO's vendor for mail uses CASS. Other mail services such as our first class mail will have to be analyzed for the practicality of implementing such measures.
HB 628	Representative Callegari/ Senator Jackson	Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.	September 1, 2011	This bill re-writes much of the Government Code related to construction contracting. The current method that the GLO uses to bid most of its construction projects is still available, however the GLO will now be required to reveal the bid amounts when the bids are opened. The GLO will be able to adopt rules regarding construction contracting.	The GLO will need to update its construction contracting process to reflect the new statute. Rules may need to be adopted.
HB 1247	Representative Callegari/ Senator Birdwell	Relating to the repeal of certain prohibitions on purchases of paper supplies and cabinets by state agencies	Immediate upon signing; June 17, 2011	This bill repeals a section of the Government Code that prevents a state agency from purchasing paper or filing cabinets that fit larger paper.	None.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1728	Representative Keffer/ Senator Harris	Relating to energy savings performance contracts and energy efficiency planning.	September 1, 2011	A state agency may use any available money, other than money borrowed from this state, to pay the provider of an "energy savings performance contract" , and the state agency is not required to pay for such costs solely out of the savings realized by the state agency under an energy savings performance contract. The state agency may contract with the provider to perform work that is related to the scope of an energy savings performance contract.	None. The GLO is able to use any available funds for "energy savings performance contract(s)" when needed.
SB 539	Senator Carona/ Representative Kleinschmidt	Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.	September 1, 2011	This bill amends Texas law to require, rather than allow, judges to award costs and reasonable attorney's fees to a party who has successfully foreclosed on a mechanic's or materialman's lien or a claim against a construction-related bond, ensuring that a successful party recover reasonable funds after having to go through the lien filing and foreclosure process.	SB 539 implicates the contractor payments to the subcontractors, not the GLO payments or its bond protection with the contractor. The GLO will retain its current duty of holding bonds until receiving the required affidavit of receipt of payment. However, the GLO will may be impacted in the sense that there could be increased activity on payment bonds. The GLO is likely to see more letters from subcontractors stating that payment has not been received.



## *Alternative Energy*

<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1665	Representative Susan King/ Senator Fraser	Relating to the notification requirements regarding certain land use regulations in areas near military facilities	Immediate upon signing; June 17, 2011	This bill only applies to Dyess Air Force Base. The Public Utility Commission (PUC) is required to adopt procedures and notification requirements regarding construction or expansion of a wind-powered electric generation. The PUC is required to consult with Office of the Governor, The Texas Military Preparedness Commission, the Office of the Comptroller, the State Energy Conservation Office and the General Land Office in developing and amending procedures.	GLO must consult with Office of the Governor, The Texas Military Preparedness Commission, the Office of the Comptroller, the PUC and the State Energy Conservation Office in developing and amending procedures.





<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 385	Senator Williams/ Representative Otto	Relating to the creation of programs to support the use of alternative fuels, including an alternative fuel program to be funded by the Texas emissions reduction plan fund and a grant program for certain natural gas vehicles.	September 1, 2011	<p>The bill creates a grant of up to \$500,000 to be administered by the TCEQ for building "alternative fueling facilities" in order to provide alternative fuel in nonattainment areas.</p> <p>Establishes three new grant programs under the Texas Emissions Reduction Plan (TERP): the natural gas vehicle rebate program, a program to fund natural gas fueling stations, and an alternative fueling facilities program.</p> <p>Establishes the Alternative Fuels Facilities Program. Under this the TCEQ would establish and administer a program to provide grants for fueling facilities for alternative fuel in nonattainment areas.</p> <p>Establishes the Texas Natural Gas Vehicle Grant Program. Under this, the Texas Commission on Environmental Quality (TCEQ) would establish two new grant programs for funding the purchase or lease of natural gas vehicles or engines and the establishment of natural gas refueling stations along the interstate highways between Houston, San Antonio, and the Dallas, and Fort Worth.</p>	GLO could apply for grants to participate in noted programs.



<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 981	Senator Carona/ Representative Anchia	Relating to the regulation of distributed renewable generation of electricity.	September 1, 2011	This bill prevents small scale distributed generators that produce less than two megawatts of energy, and annually consume and produce relatively the same amount of energy from being considered a power generating company, utility, or retail electric provider and are not required to register with the PUC.	<p>If Public Retail Customers under the State Power Program become distributed generation owners, this would reduce revenues, as electricity consumption will be reduced.</p> <p>The State Power Program will have to account for payment to distributed generation owners for surplus electricity produced, should the PUC rules require retail electric providers to purchase this surplus electricity.</p>
SB 1125	Senator Carona/ Representative Anchia	Relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.	September 1, 2011	The bill changes the energy efficiency goal metric from annual growth in demand to peak demand. It also allows residential and commercial class participation in demand response programs and codifies utility interaction with customers for educational and incentive purposes.	None.



## *Archives and Records*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1147	Representative W. Smith/ Senator Wentworth	Relating to notice by a governmental entity regarding certain geospatial data products.	September 1, 2011	This bill requires governmental entities to notify users of geospatial data products provided by the entity if the product was not produced by a licensed surveyor.	The GLO will have to provide notice or label its geospatial data product and archive materials to meet this new requirement.



## *Asset Management*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1235	Representative Schwertner/ Senator Ogden	Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.	Immediate upon signing; June 17, 2011	Requires the transfer of a piece of state-owned land in Williamson County from TxDOT to TPWD, with the requirement that TPWD use the property only for a public park, and authorizes TPWD to lease the land to Williamson County for use as a public park. If no longer used for a public park, ownership of the property automatically reverts to TxDOT.	The GLO will conduct the transfer of this property.
HB 2004	Representative Bonnen/ Senator Jackson	Relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.	Immediate upon signing; June 17, 2011	This bill requires the GLO to work with the Texas Department of Criminal Justice to sell approximately 2,200 acres in Brazoria County that are currently part of the Ramsey Unit.	The GLO will need to work with TDCJ to identify the exact acres to be sold, hold the sale and finalize the transaction.
HB 2258	Representative Deshotel/ Senator Williams	Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.	Immediate upon signing; June 17, 2011	This bill allows the lease or transfer of property from the state to Spindletop MHMR Services under certain conditions.	The GLO will need to update its agency property records and assist in the transaction as needed.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 2518	Representative Kolkhorst/ Senator Ogden	Relating to the transfer of certain state property from the Texas Board of Criminal Justice to the board of regents of The Texas A&M University System for the use and benefit of the Texas Forest Service.	Immediate upon signing; June 17, 2011	This bill transfers a 2.5 acre property from the Texas Department of Criminal Justice to the Texas Forest Service.	The GLO will need to update its agency property records and assist in the transaction as needed.
SB 313	Representative Price/ Senator Seliger	Relating to priority groundwater management areas.	September 1, 2011	The commission may create a district over all or part of a priority groundwater management area that was designated as a critical area under Chapter 35, Water Code, as that chapter existed before September 1, 1997, or under other prior law.	Monitor for water districts created on PSF property.
SB 332	Representative Ritter/ Senator Fraser	Relating to the ownership of groundwater below the surface of land, the right to produce that groundwater, and the management of groundwater in this state.	September 1, 2011	The Legislature recognizes that a landowner owns the groundwater below the surface of the landowner's land as real property but does not entitle a landowner to the right to capture a specific amount of groundwater below the surface of that landowner's land; and does not affect the existence of common law defenses or other defenses to liability under the rule of capture.	None, informational only.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 573	Senator Nichols/ Representative Creighton	Relating to certificates of public convenience and necessity for water or sewer services.	September 1, 2011	The bill will create a new expedited Certificate of Convenience and Necessity (CCN) release process for landowners in some counties.	None, although the GLO can use the new process on its investment properties.
SB 653	Senator Whitmire/ Representative Madden	Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman that serves the department.	September 1, 2011	This bill combines the Texas Youth Commission and the Texas Juvenile Probation Commission into one agency. The GLO is required to assist with the transfer of any property from the abolished agencies to local governments.	The GLO will need to update its agency property records and assist in any transactions as needed.
SB 692	Representative D. Miller/ Senator Estes	Relating to exemptions from groundwater conservation district permit requirements.	Immediate upon signing; May 9, 2011	A district by rule may provide an exemption from the district's requirement to obtain a drilling permit, an operating permit, or any other permit required by this chapter or the district's rules for a water well.	None, informational only.





<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 737	Representative Price/ Senator Hegar	Relating to the management of groundwater production by groundwater conservation districts.	September 1, 2011	In issuing water drilling and production permits, the district shall manage total groundwater production on a long-term basis to achieve an applicable desired future condition and consider the modeled available groundwater determined by the executive administrator among other criteria.	None, informational only.
SB 1058	Senator Nichols/ Representative White	Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Angelina and Neches River Authority.	Immediate upon signing; June 17, 2011	This bill instructs the Department of Aging and Disability Services to transfer a certain 0.08368 acre tract of state land in Angelina County to the Angelina and Neches River Authority. The bill excludes the GLO from handling the transfer.	Asset Management will need to update its agency inventory records.



<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 1496	Representative R. Anderson/ Senator Uresti	Relating to the scope and validity of correction instruments in the conveyance of real property.	September 1, 2011	<p>A correction instrument that complies with Property Code Section 5.028 or 5.029 may correct an ambiguity or error in a recorded original instrument of conveyance to transfer real property or an interest in real property, including an ambiguity or error that relates to the description of or extent of the interest conveyed.</p> <p>A correction instrument may not correct an ambiguity or error in a recorded original instrument of conveyance to transfer real property or an interest in real property not originally conveyed in the instrument of conveyance for purposes of a sale of real property under a power of sale under Property Code Chapter 51 unless the conveyance otherwise complies with all requirements of Chapter 51.</p>	None, informational only.
SB 1880	Senator Huffman/ Representative C. Howard	Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.	Immediate upon signing; June 17, 2011	This bill creates the Imperial Redevelopment District in Sugarland and gives it the authority to levy taxes and issue bonds to make improvements in the district. The district includes a GLO investment property.	None, informational only.



## *Coastal Resources*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 628	Representative Callegari/ Senator Jackson	Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.	September 1, 2011	This bill re-writes much of the Government Code related to construction contracting. The current method that the GLO uses to bid most of its construction projects is still available, however the GLO will now be required to reveal the bid amounts when the bids are opened. The GLO will be able to adopt rules regarding construction contracting.	The GLO will need to update its construction contracting process to reflect the new statute. Rules may need to be adopted.
HB 2702	Representative Solomons/ Senator Eltife	Relating to the application of statutes that classify political subdivisions according to population.	September 1, 2011	This bill updates current statutes that contain references to political subdivisions by population to reflect new census data. Natural Resources Code 61.018 relating to preventing building on Bolivar Peninsula is updated to reflect the new Galveston County census numbers.	None.
SB 801	Senator Hegar/ Representative Weber	Relating to the authority of the seawall commission in Matagorda County to build and maintain recreational facilities near the seawall.	Immediate upon signing; June 17, 2011	This bill gives the Matagorda County seawall commission the authority to establish, build and maintain recreational structures adjacent to the seawall in Matagorda County.	Informational only at this time. If the commission exercises its authority, Coastal Resources would need to work with the commission to ensure that the facilities are built consistent with state law.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 803	Senator Hegar/ Representative Hunter	Relating to venue projects in certain counties.	Immediate upon signing; June 17, 2011	This bill gives Aransas County the authority to finance and build a tourism development project, including a park, aquarium, birding center, bird viewing site, history center, art center, nature center or trail, museum or activity that creates or enhances an activating involving water sports or fishing.	Informational only at this time. If the County exercises its authority, Coastal Resources would need to work with the County to ensure that the facilities are built consistent with state law.
SB 804	Senator Hegar/ Representative Hunter	Relating to the use of revenue from the hotel occupancy tax by certain counties.	Immediate upon signing; June 17, 2011	This bill gives Aransas County the authority to finance a tourism development project, advertise and clean and maintain a project by using Hotel Occupancy Tax collected in the county.	None.



## *Communications*

<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 701	Senator Watson/ Representative Strama	Relating to high-value data sets of state agencies posted on the Internet.	September 1, 2011	This bill requires state agencies to post "high-value data sets" on agency websites in a certain format, as long as there is no cost to the state. This data must be within two mouse clicks of an agency's homepage and it must use the URL suffix "data." However, there is an out clause that allows an agency to refrain from posting data sets if it determines that in using existing resources it cannot post the data to its website at no additional cost to the state.	GLO must post high-value data sets on their website home page, unless it determines that costs will be incurred in doing so.



## ***Energy Resources***

<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1064	Representative Pitts/ Senator Eltife	Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.	Immediate upon signing; May 28, 2011	Changes billing system from one based on a ratcheted demand to one based on actual demand. (Demand ratchet is a billing mechanism that includes customers who have limited or seasonal usage.)	As a consumer of electric power, certain GLO or VLB facilities may be eligible for this exemption. If so, then this bill could ensure that demand ratchet charges are not imposed, and GLO or VLB facilities could obtain modest savings on electric bills. Same savings could benefit State Power Program Public Retail Customers.
SB 981	Senator Carona/ Representative Anchia	Relating to the regulation of distributed renewable generation of electricity.	September 1, 2011	This bill prevents small scale distributed generators that produce less than two megawatts of energy, and annually consume and produce relatively the same amount of energy from being considered a power generating company, utility, or retail electric provider and are not required to register with the PUC.	<p>If Public Retail Customers under the State Power Program become distributed generation owners, this would reduce revenues, as electricity consumption will be reduced.</p> <p>The State Power Program will have to account for payment to distributed generation owners for surplus electricity produced, should the PUC rules require retail electric providers to purchase this surplus electricity.</p>





<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 1393	Senator Seliger/ Representative Keffer	Relating to the use of contracts by local governments to purchase electricity.	Immediate upon signing; June 17, 2011	The bill defines the term electricity as "personal property" in relation to the purchasing and contracting authority of local governments and would authorize a local governmental entity to use a contract to purchase electricity.	GLO can now make long term power contracts including bond issuance by local governments.



## *Financial Management*

<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 701	Senator Watson/ Representative Strama	Relating to high-value data sets of state agencies posted on the Internet.	September 1, 2011	This bill requires state agencies to post "high-value data sets" on agency websites in a certain format, as long as there is no cost to the state. This data must be within two mouse clicks of an agency's homepage and it must use the URL suffix "data." However, there is an out clause that allows an agency to refrain from posting data sets if it determines that in using existing resources it cannot post the data to its website at no additional cost to the state.	GLO must post high-value data sets on their website home page, unless it determines that costs will be incurred in doing so.



<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 1048	Senator Jackson/ Representative J. Davis	Relating to the creation of public and private facilities and infrastructure.	September 1, 2011	<p>The bill would authorize governmental entities to enter into agreements creating public/private partnerships in order to construct qualifying public projects; including buildings, hospitals, schools, public works, recreational facilities, and others.</p> <p>In addition, the bill authorizes the GLO to draft guidelines for considering and soliciting proposals as well as creating a monitoring committee for this process. The GLO is allowed to require the private partner to incur GLO expenses through assessing reasonable fees. The GLO will also be subject to the review of all projects by an external Partnership Advisory Committee.</p>	<p>Prior to considering any proposals, the GLO will be required to establish guidance that is consistent with new Chapter 2267 of the Government Code. GLO staff must ensure that the guidelines for entering into a comprehensive agreement are in compliance with various code sections.</p> <p>The GLO must submit detailed proposals to the Partnership Advisory Commission for approval prior to beginning work on any approved projects. However, projects under \$5 million dollars and between \$5 - \$50 million dollars but with appropriated funding are not subject to commission review and the GLO will not have submit those proposals for review.</p> <p>The GLO is also required to post the proposed project for public notice.</p>



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 1737	Senator Van de Putte/ Representative Flynn	Relating to accrual and use of leave of absence for certain training or duty, including military training or duty, by public employees and officers.	September 1, 2011	This bill allows public officers and employees who are members of the military and take a leave of absence for military service to carry over extra leave days that remain unused at the end of the fiscal year, as well as allowing a state employee called to active duty for a coast guard emergency to receive paid emergency leave for 22 days without loss of military leave.	The GLO will need to incorporate these changes into its leave policies.



## ***Funds Management***

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 2226	Representative Truitt/ Senator Carona	Relating to authorized investments for governmental entities.	Immediate upon signing; June 17, 2011	The governing body of an investing entity shall adopt a written investment policy regarding the investment of its funds. The investment policies must have procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021.	<p>Establish procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021.</p> <p>It also requires an investment officer to attend a training session once each state fiscal biennium.</p>



<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 1048	Senator Jackson/ Representative J. Davis	Relating to the creation of public and private facilities and infrastructure.	September 1, 2011	<p>The bill would authorize governmental entities to enter into agreements creating public/private partnerships in order to construct qualifying public projects; including buildings, hospitals, schools, public works, recreational facilities, and others.</p> <p>In addition, the bill authorizes the GLO to draft guidelines for considering and soliciting proposals as well as creating a monitoring committee for this process. The GLO is allowed to require the private partner to incur GLO expenses through assessing reasonable fees. The GLO will also be subject to the review of all projects by an external Partnership Advisory Committee.</p>	<p>Prior to considering any proposals, the GLO will be required to establish guidance that is consistent with new Chapter 2267 of the Government Code. GLO staff must ensure that the guidelines for entering into a comprehensive agreement are in compliance with various code sections.</p> <p>The GLO must submit detailed proposals to the Partnership Advisory Commission for approval prior to beginning work on any approved projects. However, projects under \$5 million dollars and between \$5 - \$50 million dollars but with appropriated funding are not subject to commission review and the GLO will not have submit those proposals for review.</p> <p>The GLO is also required to post the proposed project for public notice.</p>



## *Human Resources*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 438	Representative Thompson/ Senator Corona	Relating to health benefit plan coverage for orally administered anticancer medications.	September 1, 2011	Requires a health benefit plan that provides coverage for cancer treatment to provide coverage for prescribed, orally administered anticancer medications that are covered as medical benefits by the plan. In event of increased cost for intravenous treatments, must justify increase to TDI.	GLO health benefit plans must adhere to this coverage.
HB 755	Representative Cook/ Senator Nichols	Relating to eligibility of certain dependents for coverage under the state employee group benefits program.	September 1, 2011	Allows a dependent child meeting specific criteria i.e., mental retardation or physical incapacitation, over the age of 25 to qualify for coverage if on the day the child's parent becomes eligible to participate in the Texas employees group benefits program, the dependent is enrolled as the parent's dependent in the health benefits coverage under the Texas Public School Retired Employees Group Benefits Act, the Texas School Employees Uniform Group Health Coverage Act, or the State University Employees Uniform Insurance Benefits Act or is in continued coverage under the federal Consolidated Omnibus Budget Reconciliation Act of 1985 and its subsequent amendments.	GLO state employee group benefits program must include dependent children over the age of 25 if specific criteria regarding the child's mental and physical conditions are met and if the employee conforms with the new guidelines for coverage.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1178	Representative Flynn/ Senator Birdwell	Relating to employment protection for members of the state military forces and specialty license plates for female members of the armed forces.	Immediate upon signing; June 17, 2011	<p>This bill amends current law relating to employment protection for members of the state military forces. It amends current law to provide a formal investigative process for complaints and remedies when a public or private employer has failed to comply with the law, in addition to making the Texas Workforce Commission the state's formal investigator.</p> <p>Requires the Department of Motor Vehicles (DMV) to issue Women Veterans specialty license plates for active and former members of United States armed forces, Texas National Guard, or Texas State Guard.</p>	None.
HB 1481	Representative Truitt/ Senator Zaffirini	Relating to the use of person first respectful language in reference to individuals with disabilities.	September 1, 2011	This bill adopts the person first respectful language initiative, and directs certain agencies to avoid using certain demeaning terms and phrases in new statutes and resolutions, and to change existing statutes and regulations to comply.	While the GLO and its veterans programs are not named in the bill, it should consider implementing these changes moving forward.
HB 2549	Representative Crownover/ Senator Estes	Relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.	September 1, 2011	This bill establishes that the Texas State Historical Association is considered an eligible charitable organization entitled to participate in a state employee charitable campaign.	GLO should be aware that employees are permitted to make payroll deductions in support of this program.





<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 439	Senator Van de Putte/ Representative Sheets	Relating to an exclusion from unemployment compensation chargebacks for certain employers of uniformed service members.	September 1, 2011	The bill provides that an employer's unemployment account may not be charged if an employee was separated from employment due to reinstatement of a qualified uniformed service member with reemployment rights and benefits.	Depending on if the GLO has any employees who currently have reinstatement rights, this may be a fiscal benefit to the GLO.
SB 1664	Senator Duncan/ Representative Truitt	Relating to the powers and duties of and contributions to and benefits from the systems and programs administered by the Employees Retirement System of Texas.	September 1, 2011 except Section 13; which is effective September 1, 2013	This bill makes several technical and clarifying changes regarding contributions to and benefits from ERS programs in order to enhance the efficient delivery of high-quality benefits at the lowest practical cost.	The GLO should incorporate all applicable changes to ERS programs.
SB 1737	Senator Van de Putte/ Representative Flynn	Relating to accrual and use of leave of absence for certain training or duty, including military training or duty, by public employees and officers.	September 1, 2011	This bill allows public officers and employees who are members of the military and take a leave of absence for military service to carry over extra leave days that remain unused at the end of the fiscal year, as well as allowing a state employee called to active duty for a coast guard emergency to receive paid emergency leave for 22 days without loss of military leave.	The GLO will need to incorporate these changes into its leave policies.



## *Information Systems*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1147	Representative W. Smith/ Senator Wentworth	Relating to notice by a governmental entity regarding certain geospatial data products.	September 1, 2011	This bill requires governmental entities to notify users of geospatial data products provided by the entity if the product was not produced by a licensed surveyor.	The GLO will have to provide notice or label its geospatial data product and archive materials to meet this new requirement.
HB 3333	Representative Pena/ Senator Hegar	Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.	September 1, 2011	Gives the governor the authority to order the disconnection of state networks as part of emergency operations to ensure continuity of government and the protection of sensitive information.	The GLO will need to prepare for this possibility as part of its emergency planning.
SB 701	Senator Watson/ Representative Strama	Relating to high-value data sets of state agencies posted on the Internet.	September 1, 2011	This bill requires state agencies to post "high-value data sets" on agency websites in a certain format, as long as there is no cost to the state. This data must be within two mouse clicks of an agency's homepage and it must use the URL suffix "data." However, there is an out clause that allows an agency to refrain from posting data sets if it determines that in using existing resources it cannot post the data to its website at no additional cost to the state.	GLO must post high-value data sets on their website home page, unless it determines that costs will be incurred in doing so.



## *Legal Services*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 602	Representative Marquez/ Senator Rodriguez	Relating to confidential information under the public information law and to procedures and deadlines under the public information law in relation to the redaction of certain confidential information by a governmental body.	September 1, 2011	This bill allows a governmental body to redact confidential personal information from any information the governmental body discloses under Government Code 552.021 without the necessity of requesting a decision from the attorney general. If a governmental body redacts or withholds information without requesting a decision from the attorney general about whether the information may be redacted or withheld, the requestor is entitled to seek a decision from the attorney general about the matter.	The GLO will need to set guidelines for open records requests to redact confidential information.
HB 628	Representative Callegari/ Senator Jackson	Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.	September 1, 2011	This bill re-writes much of the Government Code related to construction contracting. The current method that the GLO uses to bid most of its construction projects is still available, however the GLO will now be required to reveal the bid amounts when the bids are opened. The GLO will be able to adopt rules regarding construction contracting.	The GLO will need to update its construction contracting process to reflect the new statute. Rules may need to be adopted.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 18	Senator Estes/ Representative Geren	Relating to the use of eminent domain authority.	September 1, 2011	<p>This bill does not change agency authorities related to eminent domain, except that the agency must submit a letter to the Comptroller by December 31, 2012.</p> <p>The letter must identify each provision of law that grants the GLO eminent domain authority; the letter must be sent by certified mail, return receipt requested.</p>	The agency must submit a letter to the Comptroller by December 31, 2012.
SB 791	Senator Duncan/ Representative J. Jackson	Relating to electronic notification of certain state officials and agencies of certain rules and rulemaking filings.	September 1, 2011	This bill removes the duty of state agencies to notify both the Lieutenant Governor and Speaker of the House of Representatives when the agency files its notice of proposed rulemaking with the Secretary of State's Office. The Secretary of State is required to provide electronic notification of state agency rulemaking filings upon written request from the Lieutenant Governor, a member of the Legislature or a legislative agency.	The GLO will no longer send copies to the Lt. Governor or Speaker when filing rules.



## *Policy and Governmental Affairs*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 326	Representative Guillen/ Senator Zaffirini	Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.	Immediate upon signing; June 17, 2011	This bill requires agencies under Sunset Review to submit a list of reports that the agency is required by statute to prepare and an evaluation of the need for the report.	None at this time, but the list will have to be prepared for future Sunset reviews.
HB 726	Representative Sheffield/ Senator Huffman	Relating to the electronic distribution of information to legislators by state agencies.	Immediate upon signing; June 17, 2011	Requires state agencies send only electronic notices to the Texas Legislature detailing publication availability. Members of the Legislature who wish to receive the publication may reply electronically.	GLO must send members of the Legislature electronic notice of publication availability and provide publications to those who request.
SB 652	Senator Hegar/ Representative Bonnen	Relating to governmental and certain quasi-governmental entities subject to the sunset review process.	Immediate upon signing; June 17, 2011	This bill establishes Sunset dates for a variety of agencies. The School Land Board sunset date is moved from September 1, 2017 to September 1, 2019.	None.
SB 1618	Senator Seliger/ Representative Craddick	Relating to reporting requirements of state agencies and school districts.	September 1, 2011	The bill requires state agencies to submit all reports required by the legislature in electronic format. The Sunset Commission will also look at each reporting requirement made of the agency as it undergoes sunset review, and will make recommendations regarding reports in the agency's sunset report.	Change internal procedures regarding delivering reports; the GLO no longer has to make hard copies of reports available. Notice must be sent electronically that a report is available and how to obtain an electronic copy.



## *Professional Services*

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1147	Representative W. Smith/ Senator Wentworth	Relating to notice by a governmental entity regarding certain geospatial data products.	September 1, 2011	This bill requires governmental entities to notify users of geospatial data products provided by the entity if the product was not produced by a licensed surveyor.	The GLO will have to provide notice or label its geospatial data product and archive materials to meet this new requirement.
HB 1449	Representative Guillen/ Senator Zaffirini	Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.	Immediate upon signing; June 17, 2011	This bill allows the Texas Parks and Wildlife Department to issue right of way easements on its land. This is currently handled by the GLO.	The GLO will have to transition any open projects or appropriate files to the Texas Parks and Wildlife Department.
SB 873	Senator Duncan/ Representative Hilderbran	Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.	Immediate upon signing; May 9, 2011	This bill requires the Board of Regents of the UT System to establish an appeals process for easement holders across university lands that will provide these holders with an avenue to contest rates that they believe to be unjust or unfair.	None.



## ***Veterans Land & Housing Programs***

<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 558	Representative Deshotel/ Senator Carona	Amends the Finance Code requiring a mortgage servicer to respond to a payoff request within three business days.	September 1, 2011	If a title company knows a release is pending during the ordinary course of business, issuing a policy in the interim is not considered a violation against this prohibition. Lenders sometimes refuse to provide a written payoff statement and instead issue a letter with exculpatory language allowing the lender to recant the payoff or simply find an error and refuse to issue the release until they are paid additional funds. Those actions violate sound business practices and place the new lender and title company at risk.	The servicers of VLB loans will have a new form to contend with and a new deadline in which to respond to requests for payoff information from title companies.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1127	Representative Gutierrez/ Senator Van de Putte	Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.	January 1, 2012	<p>This legislation amends the Property Code to require a notice in regard to the sale of real property under a deed of trust or other contract lien that is served on a debtor in default under that trust or lien to include a statement to the effect that a tenant or debtor, as applicable, who is serving on active military duty may have special rights or relief related to that notice under federal law, including the federal Service members Civil Relief Act, and under state law.</p> <p>It further adds a requirement for the notice that must be given to a property owner by a property owners' association before the association is authorized to take certain actions against the owner to inform the owner that the owner may have special rights or relief related to the enforcement action under federal law, including the federal Service members Civil Relief Act, if the owner is serving on active military duty.</p>	Foreclosures in the VLB, and the required notices, are handled by third party servicers. Evictions, which are handled by the VLB, will require the insertion of this language in the forms.
HB 1481	Representative Truitt/ Senator Zaffirini	Relating to the use of person first respectful language in reference to individuals with disabilities.	September 1, 2011	This bill adopts the person first respectful language initiative, and requires certain agencies to avoid using certain demeaning terms and phrases in new statutes and resolutions, and to change existing statutes and regulations containing the terms and phrases, as they are amended.	While the GLO and its veterans programs are not named in the bill, it should consider implementing these changes moving forward.





<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 17	Senator Carona/ Representative Truitt	Relating to the regulation of residential mortgage loan servicers.	September 1, 2011	SB 17 relating to residential mortgage loan service, amends Title 3 of the Finance Code by adding a new Chapter 158, which provides that a person may not act as a residential loan services without being registered under this new Chapter 158. The proposal provides for penalties for failing to comply with the statute, and authorizes the Finance Commissioner to develop rules relating to residential mortgage loan services, including an examination to insure compliance.	The VLB third party loan servicer will have to comply with the new provisions.
SB 101	Senator Van de Putte/ Representative Farias	Relating to prohibiting nonjudicial foreclosure by a property owners' association on residences owned by certain members of the military.	September 1, 2011	<p>The purpose of this legislation is to afford a safeguard in addition to the Service Member's Civil Relief Act (SCRA) that will prevent non-judicial foreclosures from being carried out on homes owned by active military duty service members.</p> <p>The legislation amends current law relating to prohibiting non-judicial foreclosure by a property owners' association on residences owned by certain members of the military.</p>	None.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SB 201	Senator Uresti/ Representative Callegari	Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation.	January 1, 2012	This bill allows a 100 percent or totally disabled veteran's property tax exemption to move with the veteran. The bill would allow a qualifying disabled veteran that sells their old home and purchases a new one to continue to use their property tax exemption for the duration of the year. The bill would also require that the new owner of the qualifying veteran's former residence pay the property taxes due for that residence for the portion of the year that the owner occupies that home.	None.
SB 516	Senator Patrick/ Representative Fletcher	Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.	January 1, 2012	The proposed legislation would amend Section 11.131 of the Tax Code by adding a new Subsection (c). The new subsection provides that the surviving spouse of a veteran who was entitled to an exemption of 100% of the appraised value of the veteran's residence homestead, would be entitled to the same exemption so long as the surviving spouse has not remarried since the death of the disabled veteran.	None.



Bill Number	Author/Sponsor	Final Caption	Effective date	Summary/Program Impact	Implementation Required
SB 1320	Senator Lucio/ Representative V. Gonzalez	Relating to deceptive trade practices in connection with executing and filing deeds in lieu of foreclosure.	September 1, 2011	<p>The consumer protections that Texas has enacted in contract for deed land or home sales have prompted some developers who have used contracts-for-deed to develop a new practice that takes advantage of home and land buyers. These sellers provide title to the property at closing and use a traditional mortgage to finance the sale but also require buyers to execute a deed-in-lieu of foreclosure at the closing table. This document, one of the many closing documents to be signed and therefore at risk of not being adequately explained to the buyer, gives title back from the homeowner to the seller or lender the same day the property is purchased. The seller-financer can then hold the deeds-in-lieu until the seller-financer decides that the buyer has defaulted. In the event of a dispute, the seller-financer has the upper hand, empowered simply to record the deed and file an eviction case without following the foreclosure procedure provided by Texas law.</p> <p>S.B. 1320 ends this practice by prohibiting the execution of deeds conveying residential real estate in connection with certain transactions involving residential real estate and making a violation of such prohibition subject to a civil action for damages.</p>	The VLB will have to make sure that it is not requiring deeds in this manner in order to comply with the law.



Bill Number	Author/ Sponsor	Final Caption	Effective date	Summary/Program Impact	Implementation Required
SB 1796	Senator Van de Putte/ Representative S. Miller	Relating to the creation of the Texas Veterans Council.	September 1, 2011	<p>This bill creates a new state entity called the Texas Veterans Council. The Council would be administratively attached to the Texas Veterans Commission (TVC). The Texas Coordinating Council for Veterans Services is established to:</p> <p>(1) coordinate the activities of state agencies that assist veterans, servicemembers, and their families;</p> <p>(2) coordinate outreach efforts that ensure that veterans, servicemembers, and their families are made aware of services; and</p> <p>(3) facilitate collaborative relationships among state, federal, and local agencies and private organizations to identify and address issues affecting veterans, servicemembers, and their families. The council is composed of the executive head of the following agencies, or that person 's designated representative:</p> <p>(a) the Texas Veterans Commission;</p> <p>(b) the Veterans Land Board;</p> <p>(c) the adjutant general 's department;</p> <p>(d) the Health and Human Services Commission; and</p> <p>(e) the State Bar of Texas.</p>	The Land Commissioner or his/her designee is a member of the council.



<b>Bill Number</b>	<b>Author/ Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
SJR 14	Senator Van de Putte/ Representative C. Anderson	Proposing a constitutional amendment authorizing an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a totally disabled veteran or the principal residence of the surviving minor children.	Upon approval of voters; on November 8, 2011 ballot.	This joint resolution would amend the constitution to provide that the surviving spouse of a 100% disabled veteran who qualified for an exemption would be entitled to the same exemption if the property was the residence homestead of the surviving spouse when the disabled veteran died and remains the principal residence of the surviving spouse. Additionally, the amendment provides that the owner of the property would be entitled to the same exemption as the 100% disabled veteran if the property was the principal residence of the disabled veterans surviving minor children when the disabled died and remains the principal residence of the surviving minor children.	None.



## *Veterans Homes & Cemeteries Program*

<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 300	Representative Kolkhorst/ Senator Nelson	Amends certain provisions of the Health and Safety Code relating to the privacy of protected health information; providing administrative, civil, and criminal penalties.	September 1, 2011	The bill requires covered entities to comply with HIPAA, prohibits the sale or disclosure of protected health information, requires notification if an individuals health information is subject to electronic disclosure, authorizes HHSC to impose an administrative penalty not to exceed \$3000, requires HHSC to report complaints to House & Senate, requires the VLB to train employees on state and federal law protecting health information, and increases the maximum HIPAA penalty from \$250,000 to \$1.5 million.	Employees of the state veterans homes and employees of the VLB who have access to the protected medical records of the residents of the state veterans homes should already be aware of and have received training concerning medical privacy and the release of protected information.
HB 628	Representative Callegari/ Senator Jackson	Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.	September 1, 2011	This bill re-writes much of the Government Code related to construction contracting. The current method that the GLO uses to bid most of its construction projects is still available; however the GLO will now be required to reveal the bid amounts when the bids are opened. The GLO will be able to adopt rules regarding construction contracting.	The GLO will need to update its construction contracting process to reflect the new statute. Rules may need to be adopted.



<b>Bill Number</b>	<b>Author/Sponsor</b>	<b>Final Caption</b>	<b>Effective date</b>	<b>Summary/Program Impact</b>	<b>Implementation Required</b>
HB 1481	Representative Truitt/ Senator Zaffirini	Relating to the use of person first respectful language in reference to individuals with disabilities.	September 1, 2011	This bill adopts the person first respectful language initiative, and requires certain agencies to avoid using certain demeaning terms and phrases in new statutes and resolutions, and to change existing statutes and regulations containing the terms and phrases, as they are amended.	While the GLO and its veterans programs are not named in the bill, it should consider implementing these changes moving forward.
HB 1784	Representative Farias/ Senator Van de Putte	Relating to requiring an interagency memorandum of understanding regarding the Public Assistance Reporting Information System and the use of data from that system.	Immediate upon signing; June 17, 2011	<p>This bill will require the Health and Human Services Commission, the Department of Aging and Disability Services, the Texas Veterans Commission and the Texas Veterans Land Board to enter into a Memorandum of Understanding for purposes of coordinating and collecting information relating to the use and analysis by stage agencies of data received from the Public Assistance Reporting Information System (PARIS), and to develop new strategies for state agencies to use the system data to generate cost saving to the state.</p> <p>PARIS is a system for detecting individuals who may be receiving duplicate or multiple payments from programs such as Medicaid, or who may be receiving benefits under multiple programs (VA &amp; Medicaid) when payment under one program would eliminate or reduce eligibility in the other.</p>	<p>The GLO will negotiate the MOU with the other agencies. VLB staff will have to work with the PARIS system to identify potential cost savings.</p> <p>Not later than October 12, 2012 the agencies must jointly provide a report to the Governor and Legislative Budget Board identifying usage of PARIS by state agencies, cost savings to the state and recommendations for future use of the system.</p>



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HB 2109	Representative Truitt/ Senator Uresti	Relating to authorizing certain actions against an assisted living facility for the inappropriate placement of a resident and prohibiting retaliation against a facility.	Immediate upon signing; June 17, 2011	<p>As currently written the Department of Human Services may not assess an administrative penalty against an assisted living facility, if the facility agrees with the determination that a resident has been inappropriately placed and does not obtain the written statements that would allow the resident to remain in the facility, notwithstanding the determination of an inappropriate placement.</p> <p>The bill would allow for an administrative penalty if the facility intentionally or repeatedly disregarded the departments guidelines on inappropriate placement.</p> <p>This bill also prohibits the department from retaliating against a facility, employee of a facility or operator of a facility who complains about the conduct of a department employee, who disagrees with a department employee about the existence of a violation of this chapter, or the department rules, or who exercises a right under state or federal law.</p>	The private entities which operate the Texas State Veterans Homes must operate the homes in accordance with all applicable statutes and rules and would be liable for any violations of the same.
HB 2609	Representative Guillen/ Senator Uresti	Relating to employment at or by certain facilities serving the elderly or persons with disabilities.	Immediate upon signing; June 17, 2011	This bill adds to the list of offenses for which, if convicted, a job applicant of a facility serving the elderly would not be eligible for employment. It adds the offense of Obstruction or Retaliation. It also prohibits an employee from soliciting gifts from a resident or consumer of the facility.	The private entities which operate the Texas State Veterans Homes must operate the homes in accordance with all applicable statutes and rules.





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HB 2722	Representative Perry/ Senator Duncan	Relating to the state Medicaid program as the payor of last resort.	Immediate upon signing; June 17, 2011	<p>Under federal law, the Medicaid program is intended to be the payor of last resort. This means that all available third party resources must meet their legal obligation to pay claims before the Medicaid program pays for the care of an eligible individual. Some nursing homes are prorating all non-Medicaid sources, so that Medicaid is paying a portion of the patient's care from day one. If the patient leaves the nursing home before the end of the month and without exhausting other pay sources, Medicaid has funded a disproportionate part of the care.</p> <p>The bill seeks to reinforce federal law through Health and Human Services Commission rules to ensure that the Medicaid program is the payor of last resort.</p> <p>It further amends current law relating to the state Medicaid program as the payor of last resort.</p>	The GLO must ensure that Medicaid billing is handled properly for its veterans homes.



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SB 220	Senator Nelson/ Representative Naishtat	Relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services.	September 1, 2011	<p>This legislation:</p> <p>A) Provides for the release of certain confidential information by the Department of Aging and Family Services;</p> <p>B) Requires the department to encourage the use of volunteers in guardianships involving the agency;</p> <p>C) Provides for notice of a guardianship proceeding to those within the third degree of consanguinity if there is no surviving spouse, parents, adult siblings or adult children;</p> <p>D) Adds conduct considered to be abuse, neglect, or exploitation to the list of items for which a guardian can be removed; and</p> <p>E) Provides additional procedural and notice requirements for Probate Courts in Guardianship proceedings.</p>	None.



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SB 539	Senator Carona/ Representative Kleinschmidt	Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.	September 1, 2011	This bill amends Texas law to require, rather than allow, judges to award costs and reasonable attorney's fees to a party who has successfully foreclosed on a mechanic's or materialman's lien or a claim against a construction-related bond, ensuring that a successful party recover reasonable funds after having to go through the lien filing and foreclosure process.	The GLO is already subject to the Prompt Payment Act and is required to make payments to contractors within one month of receiving an accepted invoice. SB 539 implicates the contractor payments to the subcontractors, not the GLO payments or its bond protection with the contractor. The GLO will retain its current duty of holding bonds until receiving the required affidavit of receipt of payment. However, the GLO will be tangentially impacted in the sense that there might be increased activity on payment bonds. The GLO is likely to see more letters from subcontractors stating that payment has not been received.



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SB 1796	Senator Van de Putte/ Representative S. Miller	Relating to the creation of the Texas Veterans Council.	September 1, 2011	<p>This bill creates a new state entity called the Texas Veterans Council. The Council would be administratively attached to the Texas Veterans Commission (TVC). The Texas Coordinating Council for Veterans Services is established to:</p> <ul style="list-style-type: none"> <li>(1) coordinate the activities of state agencies that assist veterans, service members, and their families;</li> <li>(2) coordinate outreach efforts that ensure that veterans, service members, and their families are made aware of services; and</li> <li>(3) facilitate collaborative relationships among state, federal, and local agencies and private organizations to identify and address issues affecting veterans, service members, and their families. The council is composed of the executive head of the following agencies, or that person 's designated representative: <ul style="list-style-type: none"> <li>(a) the Texas Veterans Commission;</li> <li>(b) the Veterans Land Board;</li> <li>(c) the adjutant general 's department;</li> <li>(d) the Health &amp; Human Services Commission; and</li> <li>(e) the State Bar of Texas.</li> </ul> </li> </ul>	The Land Commissioner or his/her designee is a member of the council.

